



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

May 26, 1939

Hon. Chas. E. Baughman, Chief Clerk
Department of Agriculture
Austin, Texas

Dear Sir:

Opinion No. 0-842

Re: Authority of the Department of Agriculture to take out insurance on jacks and stallions.

Your request for an opinion as to whether under present laws your department has authority to contract for insurance on jacks and stallions, has been received by this department.

Our attention has been directed to the Senate Concurrent Resolution No. 3, passed in the Second Called Session of the Thirty-seventh Legislature. This resolution reads, in part, as follows:

"Resolved, by the Senate of the State of Texas, the House of Representatives concurring herein, That hereafter it shall be and is the fixed policy of this State that the State shall carry its own insurance upon state buildings and contents, and that no insurance policies shall be taken out upon any of the public buildings of the State, nor upon the contents thereof, and the State Board of Control and all other Boards having charge of buildings of the state, and the contents of such buildings, are hereby instructed not to have such buildings nor property insured, notwithstanding there may be items in the appropriation bills authorizing the expenditures of money for the payment of insurance premiums.

"provided, that it is declared to be the

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policy of the state hereafter at the end of each two-year period to set aside approximately one per cent of the value of all public buildings owned by the state as a sinking fund until ten per cent of the total value of all such buildings has been accumulated, and that this sinking fund shall be invested in the school districts of this state."

While this resolution does not have the effect of a general law, yet it does have the effect of a law upon the particular subject resolved upon in the resolution so long as that particular thing or condition exists or until such resolution is otherwise revoked by the Legislature.

On February 14, 1939 this department held in opinion No. O-201, to Dr. Geo. W. Cox, State Health Officer, that the directors of public health districts have no authority to insure state property against fire in the face of the Concurrent Resolution quoted above.

In the absence of any appropriation for your department by the Legislature to pay insurance premiums, we are of the opinion that the same rule is applicable to the state owned property in the control of your department. We are obliged to abide by the desire of our Legislature expressed in their resolution. In our opinion your department has no authority to contract for insurance to cover said animals.

Yours very truly

ATTORNEY GENERAL OF TEXAS

HCB

By *Morris Hedges*
Morris Hedges
Assistant

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APPROVED:

George W. Mann
ATTORNEY GENERAL OF TEXAS.

